

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EARL BURKE

v.

HARRY WILSON, et al.

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CIVIL ACTION

NO. 05-6645

ORDER

AND NOW, this 28th day of March, 2006, after careful review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, to which no objections have been filed, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ of habeas corpus is DISMISSED without prejudice for failure to exhaust state court remedies; and
3. No certificate of appealability is granted.

AND IT IS SO ORDERED.

Paul S. Diamond, J.

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